

LAWNUM: RA07278

DATE : 03/24/92

TITLE : AN ACT AMENDING COMMONWEALTH ACT NO. 111, AS AMENDED BY
PRESIDENTIAL DECREE NO. 460, ENTITLED "AN ACT TO CREATE A PUBLIC
CORPORATION TO BE KNOWN AS THE BOY SCOUTS OF THE PHILIPPINES, AND TO
DEFINE ITS POWERS AND PURPOSES," BY STRENGTHENING THE VOLUNTEER AND
DEMOCRATIC CHARACTER OF THE BOY SCOUTS OF THE PHILIPPINES AND FOR
OTHER
PURPOSES

TEXT :

H. No. 34855

S. No. 132

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second
day of July, nineteen hundred and ninety-one.

[REPUBLIC ACT No. 07278]

AN ACT AMENDING COMMONWEALTH ACT NO. 111, AS
AMENDED BY PRESIDENTIAL DECREE NO. 460,
ENTITLED "AN ACT TO CREATE A PUBLIC
CORPORATION TO BE KNOWN AS THE BOY SCOUTS
OF THE PHILIPPINES, AND TO DEFINE ITS
POWERS AND PURPOSES," BY STRENGTHENING THE
VOLUNTEER AND DEMOCRATIC CHARACTER OF THE
BOY SCOUTS OF THE PHILIPPINES AND FOR OTHER
PURPOSES

Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:

SECTION 1. Sections 2 and 3 of Commonwealth Act No. 111, as
amended, is hereby amended to read as follows:

"SEC. 2. The said corporation shall have the powers of
perpetual succession, to sue and be sued; to enter into
contracts; to acquire, own, lease, convey and dispose of such
real and personal estate, land grants, rights and choses in
action as shall be necessary for corporate purposes, and to
accept and receive funds, real and personal property by gift,
devise, bequest or other means, to conduct fund-raising
activities; to adopt and use a seal, and the same to alter

and destroy; to have offices and conduct its business and affairs in Metropolitan Manila and in the regions, provinces, cities, municipalities, and barangays of the Philippines, to make and adopt bylaws, rules and regulations not inconsistent with this Act and the laws of the Philippines, and generally to do all such acts and things, including the establishment of regulations for the election of associates and successors, as may be necessary to carry into effect the provisions of this Act and promote the purposes of said corporation: Provided, That said corporation shall have no power to issue certificates of stock or to declare or pay dividends, its objectives and purposes being solely of benevolent character and not for pecuniary profit of its members.

"SEC. 3. The purpose of this corporation shall be to promote through organization and cooperation with other agencies, the ability of boys to do useful things for themselves and others, to train them in scoutcraft, and to inculcate in them patriotism, civic consciousness and responsibility, courage, self-reliance, discipline and kindred virtues, and moral values, using the method which are in common use by boy scouts."

SEC. 2. Section 4 of Commonwealth Act No. 111, as amended, is hereby repealed and in lieu thereof, Section 4 shall read as follows:

"SEC. 4. The President of the Philippines shall be the Chief Scout of the Boy Scouts of the Philippines."

SEC. 3. Sections 5, 6, 7 and 8 of Commonwealth Act No. 111, as amended, are hereby amended to read as follows:

"SEC. 5. The governing body of the said corporation shall consist of a National Executive Board, the members of which shall be Filipino citizens of good moral character. The Board shall be composed of the following:

"(a) One (1) charter member of the Boy Scouts of the Philippines who shall be elected by the members of the National Council at its meeting called for this purpose;

"(b) The regional chairmen of the scout regions who shall be elected by the representatives of all the local scout councils of the region during its meeting called for this purpose: Provided, That a candidate for regional chairman need not be the chairman of a local scout council;

"(c) The Secretary of Education, Culture and Sports;

"(d) The National President of the Girl Scouts of the Philippines;

"(e) One (1) senior scout, each from Luzon, Visayas and

Mindanao areas, to be elected by the senior scout delegates of the local scout councils to the scout youth forums in their respective areas, in its meeting called for this purpose, to represent the boy scout membership;

"(f) Twelve (12) regular members to be elected by the members of the National Council in its meeting called for this purpose;

"(g) At least ten (10) but not more than fifteen (15) additional members from the private sector who shall be elected by the members of the National Executive Board referred to in the immediately preceding paragraphs (a), (b), (c), (d), (e) and (f) at the organizational meeting of the newly reconstituted National Executive Board which shall be held immediately after the meeting of the National Council wherein the twelve (12) regular members and the one (1) charter member were elected.

"Thereafter, the National Executive Board as herein fully constituted shall elect from among themselves the following officers of the corporation:

"(a) President;

"(b) Senior Vice-President;

"(c) One (1) Vice-President each from Luzon, Visayas and Mindanao areas; and

"(d) Such other officers as the Board may deem necessary.

"The numerical composition of the National Executive Board shall be provided for in the bylaws of the Boy Scouts of the Philippines: Provided, That said numerical composition shall be at least thirty (30) and not more than forty-five (45) for all elected, life and ex officio members.

"The term of office of the members of the National Executive Board shall be one (1) year, except for the regular members to be elected by the National Council whose term of office shall be three (3) years: Provided, That for the first twelve (12) regular members to be elected by the National Council, the term of office shall be as follows: the members garnering the first four (4) highest number of votes shall serve for a term of three (3) years; the members garnering the second four (4) highest number of votes shall serve for a term of two (2) years; and the members garnering the last four (4) number of votes shall serve for a term of one (1) year.

"Vacancies in the National Executive Board shall be filled by a majority vote of the remaining members and a member thus elected shall serve only for the unexpired term.

"The bylaws may prescribe the number of members of the National Executive Board necessary to constitute a quorum of the Board, which number shall not be less than the majority of the entire membership of the Board.

"The National Executive Board shall exercise the following powers and functions:

"(a) To make and to amend the bylaws subject to the ratification by a majority vote of the members present at a meeting of the National Council or at a special meeting called for this purpose;

"(b) To authorize and cause to be executed mortgages and liens upon the property of the corporation by a two-thirds (2/3) vote of the whole Board at a meeting called for this purpose;

"(c) To designate five (5) or more of their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, through a resolution passed by a majority of the whole Board. Such Committee, to the extent provided in said resolution or in the bylaws of the corporation, shall have and exercise the powers of the National Executive Board in the management of the business affairs of the corporation, and may have the power to authorize the seal of the corporation to be affixed to all papers which may require it;

"(d) To create standing committees and appoint the chairmen and members thereof from among themselves by the affirmative vote of a majority of the whole Board. Such standing committees shall exercise such powers as may be authorized by the bylaws;

"(e) To dispose in any manner a part or the whole property of the corporation with the consent in writing and pursuant to an affirmative vote of two-thirds (2/3) of the members of the National Council; and

"(f) To hold regular meetings at least once every two (2) months at a time and place to be designated in the bylaws. Special meetings of the Board may be called upon such notice as may be prescribed in the bylaws.

"SEC. 6. The National Council shall be composed of the following members:

"(a) The members of the National Executive Board;

"(b) The charter members;

"(c) The regional commissioners;

"(d) The chairmen and commissioners of all local scout councils; and

"(e) Other duly accredited delegates of local scout councils as may be provided in the bylaws.

"The qualifications, terms of office, and the manner of electing the abovementioned members of the National Council shall be prescribed in the bylaws of the corporation.

"The numerical composition of the National Council shall be provided for in the bylaws of the Boy Scouts of the Philippines: Provided, That all regions and all local councils shall be duly represented therein by at least two (2) duly accredited delegates, in addition to those who are members of the National Executive Board as provided for under Section 5 of this Act.

"The annual meeting of the National Council shall be held at such time and place as shall be prescribed in the bylaws, at which meeting the annual reports of the officers and the National Executive Board shall be presented and the election of members to the National Executive Board.

"Special meetings of the National Council may be called upon such notice as may be prescribed in the bylaws. One-third (1/3) of the members of the National Council shall constitute a quorum to do business at any annual or special meeting.

"The National Council and the National Executive Board shall have the power to hold their meetings and keep the seal, books, documents, and papers of the corporation within or without the Metropolitan Manila.

"The National President of the corporation shall preside over the meetings of the National Council.

"Each local scout council represented in the annual or special meeting of the National Council shall be entitled to four (4) votes plus one (1) vote for every ten thousand (10,000) of their scout membership. The members of the National Executive Board and the life members shall each be entitled to one (1) vote.

"SEC. 7. The corporation created by this Act shall adopt and shall have the sole and exclusive right to use distinctive titles, emblems, descriptive or designing, marks, words and phrases, badges, uniforms and insignia for the Boy Scouts of the Philippines in carrying out its program in accordance with the purposes of this Act, and which shall be published in the Official Gazette or in any newspaper of general circulation in the Philippines.

"SEC. 8. Any donation or contribution which from time to time may be made to the Boy Scouts of the Philippines by the Government or any of its subdivisions, branches, offices, agencies or instrumentalities or by a foreign government or by private entities and individuals shall be expended by the National Executive Board in pursuance of this Act.

"The corporation shall be entitled to the following tax and duty privileges:

"(a) Exemption from income tax pursuant to Section 26(e), (g) and (h) of the National Internal Revenue Code, as amended;

"(b) Exemption from donor's tax pursuant to Section 94(a) (3) of the National Internal Revenue Code, as amended;

"(c) Full deductibility of donations from the donor's gross income for purposes of computing taxable income; and

"(d) Tax and/or duty exemption of donations from foreign countries as provided under relevant laws such as, but not limited to, Section 105 of the Tariff and Customs Code of the Philippines, as amended, Section 103 of the National Internal Revenue Code, as amended.

"Any other provisions of law to the contrary notwithstanding, there shall be no discrimination in tax treatment of the Boy and Girl Scouts of the Philippines."

SEC. 4. Sections 10 and 11 of Commonwealth Act No. 111, as amended, are hereby amended to read as follows:

"SEC. 10. From and after the passage of this Act, it shall be unlawful for any person within the jurisdiction of the Philippines to falsely and fraudulently call himself as, or represent himself to be, a member of, or an agent for, the Boy Scouts of the Philippines; and any person who violates any of the provisions of this Act shall be punished by prison correccional in its minimum period or a fine not exceeding Five thousand pesos (P5,000.00) or both, at the discretion of the court.

"It shall be unlawful for any person to manufacture, sell or distribute or cause to be manufactured, sold or distributed fraudulently or without the official knowledge and written consent or permission of the National Executive Board of the Boy Scouts of the Philippines badges, uniforms, insignia, or any other boy scout paraphernalia; or to use, apply, feature or portray said badges, uniforms, insignia or scouting paraphernalia or the photos or visuals of a boy scout or boy scouts in uniform, or the logo, seal, or corporate name of the Boy Scouts of the Philippines, in any

print ad, radio or television commercial, billboard, collateral material or any form of advertisement; or to use the name of the Boy Scouts of the Philippines for any illegal purpose or personal gain. Any violation of any of the provisions of Section 7 and of this section shall be punished by prision correccional in its medium period to prision mayor in its minimum period or a fine of not less than Ten thousand pesos (P10,000.00) nor more than One hundred thousand pesos (P100,000.00), or both, at the discretion of the court: Provided, That, in case of corporations, partnerships, associations, societies or companies, the manager, administrator or the person in charge of the management or administration of the business shall be criminally responsible for any such violation. These penalties shall be without prejudice to the proper civil action for recovery of civil damages, which may be instituted together with or independently of the criminal prosecution.

"SEC. 11. Until such time as the reorganization and restructuring of the Boy Scouts of the Philippines in accordance with this Act is effected, the incumbent officers and members of the National Executive Board and the present and past national presidents of the Boy Scouts of the Philippines shall continue to conduct the affairs of the Boy Scouts of the Philippines and to take the necessary steps to effect such reorganization until a new National Executive Board and a new set of national officers shall have been elected within six (6) months from the effectivity of this Act."

SEC. 5. If any section or provision of this Act is held invalid, all other provisions not affected thereby shall remain valid.

SEC. 6. This Act shall take effect upon the completion of its publication in at least two (2) national newspapers of general circulation.

Approved,

MITRA
NEPTALI A. GONZALES
President of the Senate
House

RAMON V.
Speaker of the
of Representatives

This Act which is a consolidation of House Bill No. 34855 and Senate Bill No. 132 was finally passed by the House of Representatives and the Senate on December 12, 1991 and December 11, 1991, respectively.

SABIO
General

ANACLETO D. BADOY, JR.
Secretary of the Senate

CAMILO L.
Secretary
House of Representatives

Approved: March 24, 1992

CORAZON C. AQUINO
President of the Philippines